

Appl. No. : 09/886,533
Filed : June 20, 2001

REMARKS

Applicant has the following remarks in response to the Office Action, mailed December 2, 2004, in the above-referenced case.

Discussion of Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected Claims 1-4, 21, 22, 27, and 30 as being anticipated by U.S. Patent No. 6,760,907, to Shaylor (hereinafter "6,760,907").

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Applicant respectfully submits that Shaylor fails to teach or suggest at least one limitation for each of the above-listed claims. In one embodiment, a client receives from a service peer an abstract bytecode. The abstract bytecode is transformed into a native bytecode. In one embodiment, a hardware characteristic of the client device is client device, e.g., using a field programmable gate array is configured at least in part using the bytecode.

Turning to the Claims, it is seen the Claim 1 recites "executing the native bytecode at the client peer on the client specific device." Similar limitations are recited in independent Claims 21, 27, and 30. Applicant respectfully submits that at least this limitation is not taught or suggested by Shaylor. In the Office Action, the Examiner took the position that this limitation was taught or suggested on col. 5, lines 57-63 of Shaylor. Applicant respectfully submits that the cited section of Shaylor merely describes optimizing Java code for execution in a client environment. Applicant submits that there is no teaching or suggestion in Shaylor of configuring the client device.

Since Claims 2-3 and 22 each depend on one of Claims 1 and 21, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.

Discussion of Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 5-20, 23-26, 28, and 29, under 35 U.S.C. § 103(a) in view of Shaylor in view of U.S. Patent No. 6,668,312, to Aubury. Applicant

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notes that Aubury was filed on December 21, 2001, which is after the filing date of the present application, i.e., June 20, 2001. Thus, it is not prior art. Applicant respectfully submits that in view that the Examiner has failed to provide a valid prima facie rejection using the combination of these references, these claims are currently in condition for allowance.


Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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